REMARKS

The Office Action dated November 27, 2006 has been received and reviewed. Claims 1-39 are pending in the subject application. All claims stand rejected. Claims 1, 18, and 32 have been amended herein. Support for the amendments to claims 1, 18, and 32 can be found in the Specification at ¶ 0021. It is respectfully submitted that no new matter has been added by way of the present amendments. Reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

35 U.S.C. § 103(a) Rejections

A.) Applicable Authority

The basic requirements of a *prima face* case of obviousness are summarized in MPEP §§ 2143-2143.03. In order to establish a *prima facie* case of obviousness, three basic criteria must be met.

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

See MPEP §2143. Further, in establishing a *prima face* case of obviousness, the initial burden is placed on the Examiner. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the

references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. & Inter. 1985); MPEP § 2143; *See also* MPEP §706.02(j) and §2142.

B.) Obviousness Rejections Based on the Berque reference in view of the Landress reference.

Claims 1-39 stand rejected under 35 U.S.C. § 103(a) as being rendered obvious by U.S. Patent Number 7,003,728 to Berque ("the Berque reference") in view of U.S. Publication Number 2003/0191816 to Landress ("the Landress reference"). As the Berque reference and the Landress reference, whether taken alone or in combination, fail to teach or suggest all of the limitations of each of claims 1-39, as amended herein, Applicants respectfully traverse this rejection, as hereinafter set forth.

Referring initially to independent claim 1, as amended herein, a computer-implemented messaging system is recited comprising, in part, a presentation engine component for presenting all of the media objects within a set of media objects to a user without control by parallel execution of independent image-processing operations. Claim 1 has been amended to recite an image-processing operation to "***convert at least one media object into a thumbnail-sized representation***" for viewing by a user without control. Support for this amendment is given in ¶ 0021 of the Specification, which states that an image "may be converted in layout size, color depth or other parameters, for instance to generate a thumbnail-sized representation of the selected image."

The Landress reference was cited in the Office Action for teaching the convert operation of claim 1. *See Office* Action, p. 3. However, the Landress reference fails to disclose converting a media object into a "thumbnail-sized representation" for viewing by a user without control. Rather, the Landress reference discloses an advertising medium for creating rich media

content that can be delivered to a user by executing promotional media content in parallel or in series with entertainment, information, or message content. *See Landress*, Abstract, FIG. 5, FIG. 8, ¶¶ 0025, 0029-0030, 0052, 0054, and 0094-0096. In other words, the Landress reference discloses executing multiple media content items in parallel to create dynamic media content. For example, the Landress reference discloses combining a video file and an audio file into a single file that executes both simultaneously. *See Id.* at FIG. 8. Contrary to claim 1, as amended herein, the Landress reference does not disclose parallel execution of independent image processing operations that include, in part, converting a shared media object into a thumbnaili-sized representation.

Furthermore, the Office Action concedes that the Berque reference does not teach parallel execution of independent image-processing operations to convert media objects for viewing. *See Office Action*, p. 3. Because neither the Berque reference nor the Landress reference taken alone teaches or suggests a method as recited in independent claim 1, as amended herein, it is respectfully submitted that the Berque reference and the Landress reference taken in combination also fail to teach or suggest the claimed system. As such, it is respectfully submitted that a *prima facie* case of obviousness of claim 1, as amended herein, cannot be established by the asserted combination of references. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of this claim is respectfully requested.

Claims 2-17 are dependent, either directly or indirectly, upon claim 1. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness cannot be established for these claims based upon the asserted combination of references for at least the above-cited reasons as well. *See*, *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); *see also*, MPEP § 2143.01.

With reference to independent claim 18, as amended herein, a communication method is recited comprising, in part, selectively presenting a set of shared media objects by parallel execution of independent image-processing operations to "***convert at least one media object into a thumbnail-sized representation***" for viewing by a user without control. The Office Action stated that this operation was taught by the Landress reference. *See Office Action*, p. 3. As previously mentioned, the Landress references discloses an advertising medium for creating rich media content that can be delivered to a user by executing promotional media content in parallel or in series with entertainment, information, or message content. *See Landress*, Abstract, FIG. 5, FIG. 8, ¶¶ 0025, 0029-0030, 0052, 0054, and 0094-0096. Contrary to claim 18, as amended herein, the Landress reference does not teach converting a media object into a thumbnail-sized representation. Therefore, it is respectfully submitted that the Landress reference fails to disclose the converting operation recited in amended claim 18, as amended herein.

Furthermore, the Office Action concedes that the Berque reference does not teach parallel execution of independent image-processing operations to convert media objects for viewing. *See Office Action*, p. 3. Because neither the Berque reference nor the Landress reference taken alone teaches or suggests a method as recited in independent claim 18, as amended herein, it is respectfully submitted that the Berque reference and the Landress reference taken in combination also fail to teach or suggest the claimed method. As such, it is respectfully submitted that a *prima facie* case of obviousness of claim 18, as amended herein, cannot be established by the asserted combination of references. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of this claim is respectfully requested.

Claims 19-31 are dependent, either directly or indirectly, upon claim 18. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness cannot be established based for these claims upon the asserted combination of references for at least the above-cited reasons as well. *See*, *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); *see also*, MPEP § 2143.01.

With reference to independent claim 32, a set of shared media objects being generated according to a method is recited. The method comprises, in part, presenting all of the media objects within a set of media objects to a user without control by executing independent image-processing operations in parallel. Claim 32 has been amended to recite an image-processing operation to "***convert at least one media object into a thumbnail-sized representation***" for viewing by a user without control. The Office Action stated that this operation was taught by the Berque reference. *See Office Action*, p. 4. However, the Office Action concedes that the Berque reference "does not teach that the [media] objects are presented to the user without control by parallel execution of independent image processing operations ***to convert*** the objects for viewing." *Id.* at 2-3 (emphasis added). Therefore, it is respectfully submitted that the Berque reference fails to disclose the converting operation recited in amended claim 32, as amended herein. Moreover, it respectfully submitted that the Landress reference does not teach the convert operation of claim 32, as amended herein, for at least the previously stated reasons.

Because neither the Berque reference nor the Landress reference taken alone teaches or suggests a method as recited in independent claim 32, as amended herein, it is respectfully submitted that the Berque reference and the Landress reference taken in combination also fail to teach or suggest the claimed method. As such, it is respectfully submitted that a

prima facie case of obviousness of claim 32, as amended herein, cannot be established by the asserted combination of references. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of this claim is respectfully requested.

Claims 33-39 are dependent, either directly or indirectly, upon claim 32. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness cannot be established for these claims based upon the asserted combination of references for at least the above-cited reasons as well. *See*, *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); *see also*, MPEP § 2143.01.

CONCLUSION

For at least the reasons stated above, upon entry of the amendments herein, it is believed that claims 1-39 are in condition for allowance and such favorable action is respectfully requested. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. It is believed that no additional fee is due in conjunction with the present communication. If this belief is in error, however, the Commissioner is hereby authorized to charge any additional amount required to Deposit Account No. 19-2112, referencing attorney docket number MFCP.108795.

Respectfully submitted,

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